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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,140	12/01/2003	Henry L. Restarick	2003-IP-011683 UI USA	2644
20558	7590	02/08/2006	EXAMINER	
KONNEKER & SMITH P. C. 660 NORTH CENTRAL EXPRESSWAY SUITE 230 PLANO, TX 75074				BOMAR, THOMAS S
ART UNIT		PAPER NUMBER		
		3672		

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/725,140	RESTARICK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shane Bomar	3672	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-103 is/are pending in the application.  
 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16,23-34,36-39,49-51,55-59,75-84,89-91,95,96,102 and 103 is/are rejected.  
 7) Claim(s) 69-72 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| / 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| / 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/21/05, 12/20/04, 1/22/04, 2/27/04, 3/22/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**Continuation of Disposition of Claims:** Claims withdrawn from consideration are 17-22,35,40-48,52-54,60-68,73,74,85-88,92-94 and 97-101.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 34, 89-91, 95, 96, 102, and 103 are objected to because of the following informalities: in claim 34, it appears that the recitation of “first wellbore” should most likely be --second wellbore--; claims 89-91, 95, 96, 102, and 103 are no longer (New) since they were previously presented in the amendment received on March 12, 2004, therefore the status identifiers of these claims should be corrected. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-16, 23-34, 36-39, and 49-51 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a second passage 66 that is not in communication with a first passage 22, does not reasonably provide enablement for a second passage that is in communication with a first passage. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The Figures and detailed description show that seals 52 and packers 32/44 do not allow fluid to be communicated into passage 22 from passage 66. Even if element 32 were a latch and not a packer, the second passage 66 would still not be in communication with the first passage on first and second sides of the window or liner string end. Also, Figures 9 and 10, and the associated description, only

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show fluid communication being provided between the two passages at an upper portion of the wellbore junction via milling or perforating, while any lower portion below the window or string end is not provided with any such communications means. Furthermore, the fluid flow arrows throughout the Figures show that any fluid going through a second passage completely bypasses any first passage that contains the deflector assembly. The claims are being examined as though the claim terminology is in fact correct and the second passage can be in communication with the first on both sides of the window.

Also regarding claim 12, the Figures and description only show a well tool being conveyed through the second passage from a passage that is above and separate from the passage that extends through the wellbore junction. In this instance, the claim has been examined as though the detailed description and Figures are correct.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 91 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the flow passage can permit fluid flow between the first and second bore portions while fluid flow is prevented through the bore between the first and second bore portions.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7, 10-15, 23, 24, 29, 31, 34, 36, 38, 49-51, 55-59, 77, 81-83, 89-91, 95, 102, and 103 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 6,354,375 to Dewey.

Regarding claim 1, as best understood, Dewey discloses a wellbore junction comprising: a first passage 54/94 that extends from a first opposite end of the junction to a second opposite end of the junction; a window 38 is formed through a sidewall of the junction; and a second passage 56 is in communication with the first passage on a first side of the window when liner 104 is not present and in communication with the first passage on a second side of the window when the plug 92 is not present (see Fig. 8 and col. 8, line 39-col. 9, line 37).

Regarding claims 2 and 3, passage 56 is clearly generally parallel to, and laterally offset from a longitudinal axis of, the first passage 54/94 (see Fig. 8).

Regarding claims 4 and 5, the second passage 56 is separated from the first passage by a single layer of material, and one of the junction sidewalls between passages 56 and 54 includes said layer (see Figs. 5 and 8).

Regarding claim 6, the second passage 56 is positioned external to a tubular that contains the first passage (see Figs. 5, 6, and 8).

Regarding claim 10, a liner string 104 extends through the window 38 and is secured in the first passage (via a packer 106) between the window and a fluid path providing

communication between the first and second passages above the insert 50 when the fluid from wellbore 32 and wellbore 34 commingle (see Fig. 8 and col. 7, lines 38-43).

In view of an alternative embodiment in Figure 3, claims 1-5, 7, and 10 are also anticipated by Dewey wherein it is disclosed that the first passage is seen as extending from a first opposite end 32 of window 38 to a second opposite end 75, and the second passage 16 communicates with the first passage on both sides of the window; passage 16 is clearly generally parallel to, and laterally offset from a longitudinal axis of, the first passage; the second passage 16 is separated from the first passage by a single layer of material, said layer constituting a portion of the left sidewall of the junction, wherein the annulus between the insert 10 and the wellbore is a portion of the first passage; the second passage 16 is positioned internal to a tubular that contains the first passage; and a liner string 42 extends through the window 38 and is secured in the first passage (via liner hanger 72) between the window and a fluid path providing communication between the first and second passages above the insert 10 when the fluid from wellbore 32 and wellbore 34 commingle (see Figs. 1-3 and col. 7, lines 38-43).

Regarding claim 11, as best understood, Dewey discloses a well system comprising: a wellbore junction positioned in a first wellbore 32 at an intersection between the first wellbore and a second wellbore 34, the junction having first and second passages 54/94 and 56 (the second passage is not clearly labeled, but is similar to that of the embodiment in Figures 5 and 6), respectively, formed therein, the first passage extending through the junction; and a liner string 104 extending through a window formed through the sidewall of the junction and having an end secured in the first package by a packer 106, the string extending into the second bore 34, wherein the second passage provides communication between the first and second passages

above the insert 50 when the fluid from wellbore 32 and wellbore 34 commingle, and communication between the first and second passages below the liner string end is always possible, although more so when plug 92 is removed (see Fig. 8 and col. 8, line 39-col. 9, line 37).

Regarding claims 12 and 13, as best understood, a well tool, or tubular string such as coiled tubing, is inserted from above the second passage, through the second passage, and then below the second passage (see Fig. 8 and col. 6, lines 43-47).

Regarding claim 14, the wellbore junction is interconnected as a part of the casing string 36 via packer 65 (see col. 9, lines 10-13).

Regarding claim 15, the first passage is clearly aligned with a longitudinal axis of the casing string (see Fig. 8).

Regarding claim 23, a first deflector 106 (note: there are two separate 106's, this is the lower one) is secured in the first passage to deflect the liner string 104 through the window (see Fig. 8).

Regarding claim 24, the second passage provides communication between the first and second passages above the deflector 106 when the fluid from wellbore 32 and wellbore 34 commingle, and communication between the first and second passages below the deflector is always possible, although more so when plug 92 is removed (see Fig. 8).

Regarding claims 29 and 31, the first passage extends through a tubular structure 90 and the second passage is internal to the structure (see Figs. 5 and 8).

Regarding claim 34, as best understood, the second wellbore 34 is a branch wellbore (see Fig. 8).

Regarding claim 36, the tubular string 104 continues to the surface and is separate from passage 56, unless commingling is allowed; therefore, the string itself must act like an access control device because anything inserted into string 104 would not be able to enter passage 56, and vice versa (see Fig. 8).

Regarding claim 38, when fluids produced from both wellbores are allowed to commingle above the junction, then the fluid flow between the tubular string and the second passage is controlled, as is notoriously known in the art.

Regarding claim 49, the liner string end 106 (upper one) is secured in the first passage between the window and a first fluid path where the production fluids from the first and second wellbores via the first and second passages are allowed to commingle (see col. 7, lines 38-43).

Regarding claim 50, a deflector 106 (lower one) is secured in the first passage between the liner string end and a second fluid path 94 providing communication between the first and second passages, especially when the plug 92 is removed (see Fig. 8).

Regarding claim 51, the first and second passages clearly extend generally parallel to each other, especially at the upper portion of the junction (see Fig. 8).

Regarding claim 55, Dewey discloses a method of completing a well having first and second intersecting wellbores 32 and 34, the method comprising: installing a casing string 36 in the first wellbore 32 and interconnecting a first wellbore junction in the string; securing a first deflector 106 (lower one) in a first passage 54; and flowing fluid through the second passage 56 between the casing string on a first side of, or below, the junction and the casing string on a second side of, or above, the first wellbore junction, without retrieving the deflector because the deflector is a part of the wellbore junction and cannot be removed (see Fig. 8 and claim 29).

Regarding claims 56 and 57, a first liner string 104 is deflected off of deflector 106 and into the second wellbore 34, and the end of the string is secured in the first passage via a packer (upper element 106 in Fig. 8) before fluid is produced through the string.

Regarding claim 58, a tubing string is attached to the upper portion of string 104 and extends to the surface, the tubing string is conveyed through the casing string when element 104 is conveyed, therefore the two tubulars are engaged and provide fluid communication between each other when engaged; fluid communication is provided between the tubular string and the second passage when the fluids are allowed to commingle above the junction (see Fig. 8 and col. 7, lines 38-43).

Regarding claim 59, when fluids produced from both wellbores are allowed to commingle above the junction, then the fluid flow between the tubular string and the second passage is controlled by a flow control device, as is notoriously known in the art.

Regarding claims 77, 81, and 82, after the casing string 36 is installed, a fluid path permitting communication is formed between the first and second passages 54 and 56, especially before the string 104 is inserted or after the plug 92 is removed, which is equivalent to opening a flow control device (see Figs. 6 and 8, and col. 9, lines 14-33).

Regarding claim 83, after the casing string 36 is installed, fluid flow is permitted through passage 56 (see Fig. 8).

Regarding claim 89, Dewey discloses an apparatus for use in a wellbore comprising: a portion of a casing string 36; a longitudinal bore of the casing string extending through the portion; and the casing string portion further including a flow passage 54/94 at least partially

separated from the bore and providing fluid communication between first and second separated portions in the casing string portion (see Figs. 6 and 8).

Regarding claims 90 and 91 (claim 91 as best understood to mean that flow is permitted without the plug, and prevented with the plug), a plug 92 is positioned in the bore to prevent communication through the bore, and fluid communication is permitted through the passage 94 when the plug is removed (see Fig. 8).

Regarding claim 95, the plug acts as a flow control device since it is selectively retrieved for permitting or preventing flow through the passage.

Regarding claims 102 and 103, a window 38 is formed through a sidewall in the casing string portion, and the window provides access to a second wellbore 34 intersecting wellbore 32 (see Fig. 8).

8. Claims 1-6, 10, 11, 14-16, 23-25, 29-34, 36-39, 49-51, 55-59, 77, 81-84, 89-91, 95, 102, and 103 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent application publication 2002/0112857 to Ohmer et al.

Regarding claims 1, 10, 11, as best understood, Ohmer et al disclose a wellbore junction comprising: a first passage 304 that extends from a first opposite end of the junction to a second opposite end of the junction; a window is formed through a sidewall of the junction; and a second passage 302 is in communication with the first passage on a first side of the window when sleeve 316 is open and in communication with the first passage on a second side (below plug 306) of the window (see Fig. 19 and paragraphs [0108-0111]), and further wherein a liner string for production is passed through the window and secured in the first passage between the window and a fluid path 320/322 that provides communication between the first and second

passages above and below where the liner end is secured (see Fig. 19, the first sentence of paragraph [0108], and paragraph [0074]).

Regarding claims 2 and 3, passage 302 is clearly generally parallel to, and laterally offset from a longitudinal axis of, the first passage 304 (see Fig. 19).

Regarding claims 4 and 5, the second passage 302 is separated from the first passage by a single layer of material, and one of the junction sidewalls between passages 302 and 304 includes said layer (see Fig. 20).

Regarding claim 6, the second passage 302 is positioned external to a tubular that contains the first passage 304 (see Fig. 20).

Regarding claim 14, the wellbore junction is interconnected as a part of the casing string (see Fig. 19).

Regarding claim 15, the first passage is clearly aligned with a longitudinal axis of the casing string (see Fig. 19).

Regarding claims 16, 23-25, 49, and 50, a first deflector, such as diverter 251, is installed in the casing string below the end of the liner to deflect the liner string through the window, and a second deflector is also installed since multiple branches that are below the first will use the same junction (see paragraphs [0092] and [0121]), wherein the second passage provides communication between the first and second passages above the deflector when the sleeve 316 is open, and communication between the first and second passages below the deflector is always possible, although more so when plug 306 is removed (see Fig. 19).

Regarding claims 29-33, the first passage 304 extends through a tubular cylindrical structure 308, the second passage is external to the structure above the window and in the

vicinity of the valve, the second passage is internal to the structure below the plug 306, the second passage is separated from the first passage by a single layer of material in the sidewall of the structure between the passages 302 and 304 (see Figs. 19 and 20).

Regarding claim 34, as best understood, the second wellbore is a branch wellbore (see Fig. 19).

Regarding claims 36-38, the sliding sleeve 316 that covers opening 320 acts as an access control device for flow of fluid from the second passage to an interior of the tubular string (see Fig. 19).

Regarding claim 39, fluid is produced through passage 302 while fluid is injected through the branch of passage 304 (see paragraphs [0038] and [0048]).

Regarding claim 51, the first and second passages clearly extend generally parallel to each other, especially at the upper portion of the junction (see Fig. 19).

Regarding claim 55, Ohmer et al disclose a method of completing a well having first and second intersecting wellbores (see Fig. 19), the method comprising: installing a casing string in the first wellbore and interconnecting a first wellbore junction in the string; securing a first deflector, such as diverter 251, in a first passage 304; and flowing fluid through the second passage 302 between the casing string on a first side of, or below, the junction and the casing string on a second side of, or above, the first wellbore junction, without retrieving the deflector because the deflector is a part of the passage 304 and does not interfere with production through passage 302 (see claims 16-28).

Regarding claims 56 and 57, a first liner string is deflected off of the deflector, such as 251, and into the second wellbore, and the end of the string is secured in the first passage before fluid is produced through the string.

Regarding claims 58 and 59, a tubing string 314 is attached to the upper portion of string after being conveyed through the casing string, therefore the two tubulars are engaged and provide fluid communication between each other when engaged; fluid communication is provided between the tubular string and the second passage when the sleeve 316, or flow control device, opens port 320 (see Fig. 19).

Regarding claims 77 and 81-83, after the casing string is installed, a fluid path permitting communication is formed between the first and second passages 304 and 302, by opening a flow control device 316, and also thereby allowing flow through and out of passage 302 (see Fig. 19).

Regarding claim 89, Ohmer et al disclose an apparatus for use in a wellbore comprising: a portion of a casing string; a longitudinal bore 304 of the casing string extending through the portion; and the casing string portion further including a flow passage 302 at least partially separated from the bore and providing fluid communication between first and second separated portions in the casing string portion (see Fig. 19).

Regarding claims 90 and 91 (claim 91 as best understood to mean that flow is permitted without the plug, and prevented with the plug), a plug 306 is positioned in the bore to prevent communication through the bore, and fluid communication is permitted through the passage 304 when the plug is removed (see Fig. 19).

Regarding claim 95, a flow control device 316 is used for permitting or preventing flow through the passage.

Regarding claims 102 and 103, a window is formed through a sidewall in the casing string portion, and the window provides access to a second wellbore intersecting the first wellbore (see Fig. 19).

9. Claims 1, 9-11, 26, 28, 55, 76-80, 89, 102, and 103 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent application publication 2004/0159435 to Pluchek et al.

Regarding claims 1, 10, 11, 55, 89, 102, and 103, Pluchek et al disclose a wellbore junction comprising: a first passage interior of casing 902 that extends from a first opposite end of the junction to a second opposite end of the junction; a window is formed through a sidewall of the junction; and a second passage from string 935 to junction 920 is in communication with the first passage on a first side of the window outside of wellbore 932 and in communication with the first passage on a second side of the window inside of wellbore 932 (see Fig. 31A), and further wherein a liner string 935 for production is passed through the window and secured in the first passage between the window and a fluid path that provides communication between the first and second passages above (outside the wellbore 932) and below (inside the wellbore 932) where the liner end is secured (see Fig. 31A and associated description). A method of completing the well is also disclosed wherein a deflector 912 is installed in the casing string and the second passage can produce fluid from below the junction to the first passage outside of the junction without retrieving the deflector (see claims 20-40 and paragraph [0076]).

Regarding claims 9, 26, 28, and 76, the wellbore junction 920 and the second passage 935 are expanded in the well (see paragraph [0076]).

Regarding claims 77-79, another fluid path is formed between the first and second passages by cutting through the junction, wherein the cutting tool must be deflected somewhat to

continue straight down to the deflector and not follow the tubular 935 into wellbore 932 (see Figs. 31A-31B).

Regarding claim 80, perforating tubing 937 with a perforator can form the path between the first and second passages, wherein there is no flow of fluids through either path until the perforations are formed (see Fig. 31C and paragraph [0077]).

#### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 39 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewey.

Regarding claim 39, Dewey teaches the system of claim 11 above that includes first and second passages, wherein fluid is produced via one of the two passages. However, it is not explicitly taught that a second fluid is injected into the well via the other passage not producing. Yet, it is taught that while wellbore 34 is being produced through the first passage, coiled tubing is inserted through the second passage 56 (see col. 6, lines 43-47). At the time the invention was made, it would have been obvious to one of ordinary skill in the art that fluid could be injected through said coiled tubing as is notoriously known in the art. One would have been motivated to make such a modification because the injection of fluids through coiled tubing is a widely known method for stimulating production zones in a well, which Dewey describes as the purpose for inserting the tubing anyway.

Regarding claim 84, Dewey teaches the method of claim 83 that includes permitting fluid flow through the second passage. However, it is not expressly taught that the permitting step includes retrieving a plug from the passage. Yet, it is taught that passage 94 is opened by retrieving plug 92 so that access to the bore below the passage may be obtained (see col. 8, lines 45-48). At the time the invention was made, it would have been obvious to one of ordinary skill in the art that a plug like 92 could also be placed in passage 56 and retrieved when fluid flow through the passage is required. One would have been motivated to add the plug to passage 56 to ensure that the subsequent well tools or coiled tubing are not able to pass through the passage before the time they are needed, or to keep production fluid from wellbore 32 blocked until a desired time after insertion of the junction. Furthermore, the well tool and/or coiled tubing that passes through the passage for the purpose of stimulating the production of wellbore 32, will inherently plug up the passage and the fluid will not be able to flow through until the tool and/or tubing is removed.

12. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmer et al. Ohmer et al teach a method that is obvious over this claim for analogous reasons as set forth above in view of Dewey.

13. Claims 8, 27, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pluchek et al.

Pluchek et al teach the wellbore junction and method of claims 1, 11, and 55 from above wherein the junction and the second passage are expanded in the wellbore (see the rejection of claims 9, 26, 28, and 76). Although it is not explicitly taught that the first passage, which is through casing 902, is expanded, the expansion of casings within a wellbore is notoriously

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known in the art. Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art that the first passage could also be expanded. One would have been motivated to do this so that smaller casing could be used and then expanded downhole, thereby alleviating the need to under-ream the borehole while still having a cased borehole with a large enough diameter to accommodate the downhole wellbore tools needed.

14. Claim 96 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dewey or Ohmer et al in view of US patent 6,561,277 to Algeroy et al.

Both Dewey and Ohmer et al teach the apparatus of claim 89 that further includes a flow control device, wherein Ohmer et al further teach that the device is a valve. However, neither reference expressly states that the flow control device is a safety valve.

Algeroy et al teach a multilateral wellbore junction similar to that of the above references. It is further taught that multilateral wellbore junctions are used in conjunction with safety valves, such as valve 506 in Figure 1. It would have been obvious to one of ordinary skill in the art, having the teachings of Dewey or Ohmer et al and Algeroy et al before him at the time the invention was made, to modify the apparatus taught by Dewey or Ohmer et al to include the flow control device that is a safety valve of Algeroy et al, in order to obtain selective prevention of fluid flow under dangerous or adverse conditions in the borehole. One would have been motivated to add a safety valve, such as Algeroy et al's valve, to either of the Dewey or Ohmer et al apparatuses because it is notoriously known in the art that safety valves are a necessary and beneficial part of most any wellbore system to aid in preventing damage to equipment and danger to personnel.

***Allowable Subject Matter***

15. Claims 69-72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not teach or suggest conveying a well tool through the tubular string into the second passage, wherein said tubular string is connected to the liner string in the branch wellbore.

***Conclusion***

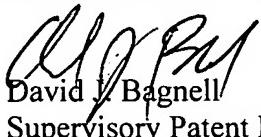
16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hess et al disclose in Fig. 2 a first passage 30 and a second passage 44 in communication with the first passage on opposite sides of the window. Haheim teaches an apparatus of interest. Hepburn et al, Fipke et al, and Smith teach wellbore junctions of particular interest.

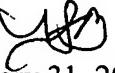
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is 571-272-7026. The examiner can normally be reached on Monday - Thursday from 6:30am to 4:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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tsb   
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